

The State of the Human Rights of Ethno-Cultural Minority Groups in Zimbabwe: Reflections on the Doma People of the Zambezi Valley

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Abstract

The promotion and advancement of the rights of ordinary people set out by the Declaration of Rights in Zimbabwe is enshrined in the Constitution of Zimbabwe Amendment (No. 20) Act, 2013. The role of the Declaration is the protection, implementation and enforcement of the rights of all human beings. Many aspects of human life are now legally or in principle protected by the Declaration despite many challenges, including alignment and operationalisation of the various statutes with the Constitution. The rights of minority groups have always been an aspect of human rights debates as evidenced by the contestations around the rights of other minorities elsewhere such as the Batwa commonly known as Bushmen people in the Kalahari Desert and the inhabitants of the Amazon rain forest. The study, therefore, assesses the rights of the Doma minority group in the Zambezi valley and, guided by a qualitative research framework and a human-rights-based-approach, brings to the fore new insights. For the fieldwork, purposive sampling was utilised to target informants and participants in Wards 1 and 11 which are the Doma domiciles. The data from respondents was complemented by the desk inquiry to sustain the main study argument that the Doma's way of life is devoid of enjoyment of fundamental human rights. This is highlighted by limited education services provided to them since there are fewer schools in the wards than in any other region of the country. The study further argues that limited schooling and low literacy levels has subsequent effects on being receptive of one's rights considering that a lack of knowledge affects, for instance, the participation in public life or the access to health care. The study concludes by arguing that the State, as the key duty bearer, ought to provide effective mechanisms and special policy positions on the Doma people that not only protect but promote Doma traditional way of life and involve relevant stakeholders in the movement.

Keywords: human rights, minority group, ethnicity, law, Zambezi valley, Doma people.

1 Introduction

The study interrogates the interplay of the Doma people's way of life and the fundamental human rights as enshrined in the Constitution of Zimbabwe of 2013. It poses the question whether the Doma people's form of civilisation is promoted and protected by new aspects of the Constitution which were absent in the 1979 Lancaster House Constitution. The answers to this research question arise from the Doma people's experiences and other field-based empirical evidence. Within this methodological context, the study highlights the nuances about contemporary human rights of ethno-cultural minorities in Zimbabwe from a human-rightsbased approach. The findings inform not only the academic community but policy makers and other stakeholders as well as the Doma people themselves about basic human rights, accountability levels and decision-making. The promotion of human rights augurs well for those who have historically been neglected in mainstream socio-cultural, political and economic development. The research satisfies the main research question of how much the fundamental human rights and freedoms, as provided in the Zimbabwean Constitution of 2013, affect the lives of the Doma people who are a cultural minority group that practices a

¹ The authors are human rights professionals and researchers active in Zimbabwe.

semiforaging lifestyle in the Dande Forest. Therefore, the study examines the role and application of the Declaration of Rights amongst this ethno-cultural minority group to answer the following research questions: a) How are the Doma, as a minority group that follow a traditional way of life protected by the Declaration of Rights in the Constitution of Zimbabwe? b) How much does the Declaration of Rights in the Zimbabwean Constitution challenge the behaviour of the Doma as right holders? c) What can be done to promote and protect the rights of the Doma people as a minority group? The research article is structured as following: the first part introduces the study by providing a historicised background of the Doma. It further provides a theoretical framework, namely a human-rights-based-approach, which guided the whole investigation and the methodological directions as well as the field-based data generation modalities. The second part focuses on the presentation of gathered data and the discussion in which the major findings and arguments are presented.

2 Justification and Contextualisation of the Doma Study

The rationale for the study is based on the fact that few scholars have investigated the cultural, political and economic life of the Doma from a human-rights-based-approach. That is partly because the Doma are geographically located in an isolated area of the Zambezi valley which is difficult to navigate due to poor communication and the lack of public infrastructure including roads.² The semi-arid region of Zambezi is characterised by harsh climatic conditions, very high temperatures and is infested by tsetse flies. Such conditions effectively discourage researchers² which is why it is widely acknowledged that little has been written about the Doma as a minority group and their rich knowledge systems. In his book, *Guns and Spirit Mediums*, David Lan states that, “[the Doma people] are a small population and in keeping with their elusive and recalcitrant style they appear only occasionally in this book”.³ The lifestyle of the Doma people has been shrouded in mystery, racist mythology and in recent years, misconceptions.⁴ Myths about the Doma exist because little is known about them through researchers and policy makers, hence, their stories have been told by travellers, hunters and tourists who had the capacity to transverse the bad terrain around the Zambezi valley. The media has equally given a limited account of the situation of the Doma culture and, where newspapers have done so, and where newspapers have done so, they depict them as primitive and overemphasise the prevalence of ectrodactyly for economic gains.⁵ The ectrodactyly phenomenon is a split-foot malformation which has been exaggerated in the case of the Doma people to reinforce the negative stereotypes about this minority group. The few studies that exist about the Doma did not focus on the Doma human rights but instead only on their traditional knowledge systems.⁶ Thus, the study of the Doma people from a human-rights-

² D. Lan, *Guns and rain: Guerillas and spirit mediums in Zimbabwe* (African Publishing Group, Harare, 1985).

² R.A.P Hasler, *Agriculture, Foraging and Wildlife Resource use in Africa* (Kegan Paul Publishers, London, 1996).

³ Lan, *supra* note 1.

⁴ E.M. Chiwome, Z. Mguni, and M. Furusa, *Indigenous Knowledge and Technology in Africa and Diaspora Communities* (Multi-Disciplinary Approaches National Council for Black Studies, California, 2000).

⁵ C. Matema, 'Zimbabwe's CAMPFIRE public investments: Impact on education, adaption and preferences'. PhD Thesis (University of Cape Town, 2019).

⁶ C. R. Cutshall, . *Kanyemba/Chapoto Ward: A socio-economic baseline survey of community households*, (Centre for Applied Social Sciences, University of Zimbabwe, Harare, 1990); C. Nhira, 'A socio-economic appraisal study of the Chapoto ward – Guruve District', working paper (University of Zimbabwe, 1989); S. T. Hachipola, 'A Survey in the Minority Language of Zimbabwe', (University of Zimbabwe Publications, 1998); Lan, *supra* note 1; Hasler, *supra* note 2; Chiwome *et al.*, *supra* note 4.

based-approach is meant to be part of new body of legal anthropology studies in Zimbabwe on minority groups.

At the international level, Minorities Declaration of December 1992 grants the right to minorities to be protected by states, including the protection of their existence and their national or ethnic, cultural, religious and linguistic identity. At the national level, the Zimbabwean Constitution of 2013 is very clear on the rights of all groups as article 16 (1) states that “[t]he State and all institutions and agencies of government at every level must promote and preserve cultural values and practices which enhance the dignity well-being and equality of Zimbabweans”⁷.

This should be read together with article 63 which elaborates the rights to language and culture, the use and preservation of an own language and the right to participation in the cultural life of choice. How these rights, including the right to education as provided in article 75 as well as the right to health care, are promoted by the State and other stakeholders remains to be seen. Thus, the goal of the study is to produce field-based empirical evidence and documentation on the state of human rights of the Doma several years after the implementation of the Declaration of Human Rights in the Constitution of the country. The study closely examines how the Doma peoples’ human rights are promoted or abrogated.

3 The Doma in the Historical Context

The Doma qualify both as a minority and an indigenous group in Zimbabwe. The United Nations report acknowledges that there is no agreed international definition of what constitutes a minority group. However, the study adopts the 1977 definition of Francesco Capotorti which he gave as a UN Special Rapporteur as part of the UN Sub-Commission on the prevention of discrimination and protection of minorities:

A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members being nationals of a State possesses ethnic, religious and or linguistic characteristics different from those of the rest of the population and show, if only implicit, a sense of solidarity, directed towards preserving their culture, tradition, religion or language.⁸

Besides being a minority group, the Doma people also fit into an indigenous category, as defined by the FAO as, “[...] those who retain knowledge of their land and food resources rooted in historical continuity within their region of residence”.⁹ Another definition, which refers to the Doma as indigenous people, also states that, “communities...people...which, having been a historical continuity with pre-invasions and pre-colonial societies that have developed on their territories, consider themselves distinct from other sectors of societies now prevailing in those territories or parts of them”.¹⁰ Thus, oral history about the Doma makes them both a minority group and indigenous peoples of the Zambezi valley.¹¹ This relates to speculations about the origins of the Doma who are believed to originate from the same group

⁷ Government of Zimbabwe. *Constitution of Zimbabwe* (Harare, 2013).

constituteproject.org/constitution/Zimbabwe_2013.pdf (accessed 16 January 2023). Article 16(1).

⁸ United Nations, ‘Minority rights: International Standards and Guidance for Implementation’. HR/PUB/10/3, 2010, <[ohchr.org/sites/default/files/Documents/Publications/MinorityRights_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/MinorityRights_en.pdf)> (accessed 16 January 2023).

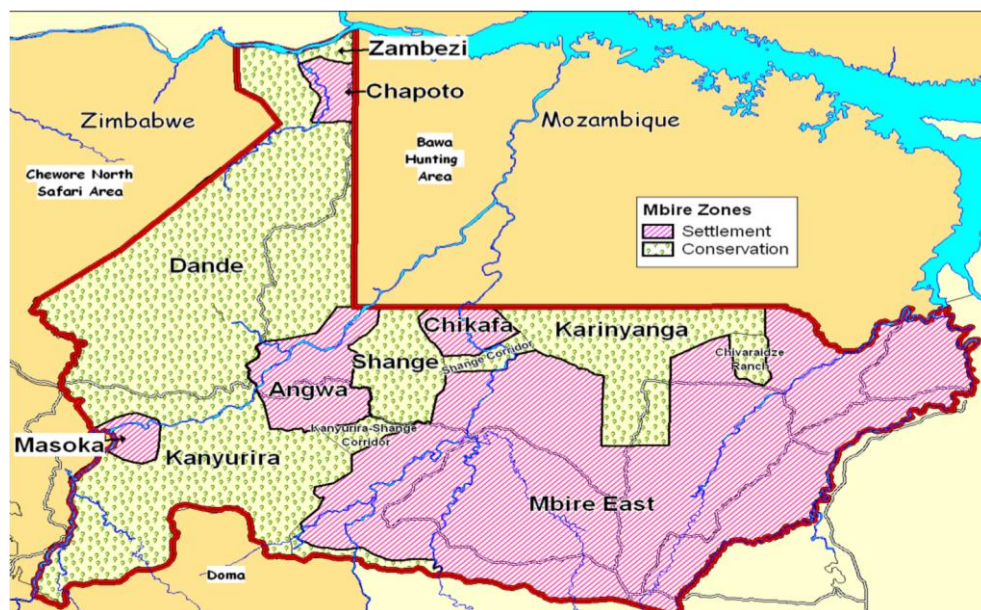
⁹ V. H. Kuhnlein B. Erasmus, and D. Sprigelski, *Indigenous Peoples Food Systems*, (FAO, Geneva, 2009). ¹⁰

D. A. Posey(ed.), ‘Cultural and Spiritual Values of Biodiversity’, UN Environmental Programme, 1999, <[unep.org/resources/publication/cultural-and-spiritual-values-biodiversity](https://www.unep.org/resources/publication/cultural-and-spiritual-values-biodiversity)> (accessed 16 January 2023). ¹¹

A. Isaacman, ‘Chikunda transfrontiersmen and transnational migrations in pre-colonial south central Africa, ca1850-1900’. *Zambezia XXVII (11)*, (2000).

of people as the Chikunda. It is unknown to historians and anthropologists at which point in time they separated from each other. Another speculation argues that the Doma could have come from Chicoa or Songo, an area around Kebera Bassa gorge in Mozambique, sometime in history and moved to their present location well before the Chikunda moved to the Kanyemba area.¹⁰ This narrative fits into many historian's accounts today which state that the Doma left Kabora Bassa gorge as they fled from Portuguese slave raiders who arrived to capture local populations to force them to work on their plantations. The third speculation claims that the Doma are the descendants of a sub-ethnic group of the Shona, namely the Korekore, who may have decided to live in isolation around the Chewore Mountain to avoid raids from the Chikunda, the Kololo, the Lozi and the Ndebele armies.¹¹ It is argued states that the Doma lineage was linked to a grand ancestor called Nyamapfeka.¹⁴ Evidence indicates that the Doma might have been a low status group in this era of raids and counter raids who depended on the rugged terrain to live in an isolated and independent existence. This argument fits into contemporary cultural practices of the Doma, hence, the origins of the Doma people remains shrouded in mystery with no clear explanations. The issue has become even more complex due to inter-marriages with other groups through deepening complexities of ethnic identity.¹² The map of the Mbire district below shows the areas where the Doma people reside on the fringes of the Dande national parks.

Figure 1: Map of the Mbire district¹³



The Mbire district endowed with wildlife and located on the peripheries of the metropolitan areas has not been a candidate for legal anthropological studies. Thus, the study focuses on aspects of international human rights and their application at the local level in communities that usually only attract research on food security, disaster management and wildlife-human conflicts. Three communities, that is, Chapoto on the north and bordering with Zambia, Angwa on the general east and Masoka on the south western side are communities around Dande forest.

¹⁰ *Ibid.*

¹¹ D. Beach, *The Shona and Zimbabwe 900-1850: An outline of Shona history.* (Heinemann, Londom, 1980).

¹⁴ C. S. Lancaster, 'Ethnic identity, history and 'tribe' in the middle Zambezi valley' 1 (4) *American Ethnologist.* pp. 707-730; Nhira, *supra* note 6; Cutshall, *supra* note 6.

¹² Hasler, *supra* note 2.

¹³ Matema, *supra* note 5.

Ethically, they are habited by the Kore-Kore, Chikunda, Karanga and the Doma. However, the Doma dwell on the border with the forest for easy navigation and pursuing their hunting lifestyle. See map above.

4 Theoretical Framework

A human-rights-based approach (HRBA) aims to support better and more sustainable development outcomes by analysing and addressing inequalities, discriminatory practices and unjust power relations which are often at the heart of development problems. In this vein, the human-rights-based approach has been viewed as a central pillar of the United Nations work since its inception in 1945 as an organ that is believed to address the inadequacies of the League of Nations as it adopted the Charter on human rights. This was motivated by the fact that world leaders realised that humanity deserved better approaches to life as opposed to the horrendous effects of World War I and World War II that they had witnessed. The Human Rights Based Approach (HRBA) is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed at promoting and protecting human rights. It seeks to analyse inequalities which lie at the centre or heart of all development problems that affect communities in order to address discriminatory practices and the unjust distribution of power. The inequalities inevitably impede development progress and often result in a group of people being left behind.

Under the HRBA, the contemplated plans, policies and processes of development are included in a system of rights and corresponding obligations established by international law. The HRBA also requires human rights principles to guide a nation's development cooperation and focus on developing the capacities of both duty bearers, to meet their obligations, and rights holders, to claim their rights. The human rights principles include transparency, individuality, equality, accountability, universality, participation and non-discrimination. There is, however, no universal formula for a HRBA but the UN agencies have agreed on a number of essential aspects that should be considered. These features, as agreed in 2003, indicate the following:

- All programs of development cooperation, policies and technical assistance should further the realisation human rights as laid down in the UDHR and other international human rights instruments
- Human rights standards contained in and principles derived from the UDHR and other international human rights instruments guide all development cooperation and programing processes
- Development cooperation contributes to the fulfilment of duty bearer's obligations and/or of rights holders to claiming their rights¹⁴

The HRBA is one of the six guiding principles of the United Nations Sustainable Development Cooperation Framework and is also guided by the principle 'leave no one behind' (LNOB). This is the central and transformative promise of the 2030 Agenda for Sustainable Development Goals (SDG). It represents the unequivocal commitment of all UN member states to eradicate poverty in all its forms, end discrimination and exclusion, reduce inequalities and vulnerabilities that place people in a disadvantaged position and undermines the potential of individuals. The LNOB principle not only entails supporting the poorest of the poor but requires addressing discrimination and rising inequalities within countries at their root causes.

¹⁴ United Nations Sustainable Development Group, Human Rights Based Approach (2023), available at <https://unsdg.un.org/2030-agenda/universal-values/human> rights based approach (accessed 02 May 2023).

A major cause that results in people being left in disadvantaged positions is discrimination, including gender-based discrimination, which leaves individuals, families and whole communities marginalised and excluded.

5 Methodology

The study utilised a qualitative approach to understand the state of human rights of the Doma people in Zimbabwe. A qualitative approach was used because it enabled the researchers to capture the realities of the state of human rights from the perspective of the Doma people themselves.¹⁵ As argued, a qualitative approach allows the use of multiple data collection methods.¹⁹ We found this useful to acquire a deeper understanding of the state of human rights of the Doma people through the use of in-depth interviews and a desktop review of relevant literature. Purposive sampling, defined as a sampling approach in which the researcher has a direct control over the elements included in the study¹⁶, was utilised to select the respondents. For this study, we wanted indigenous Doma people with extensive knowledge of the people's way of life, therefore, purposive sampling was particularly valuable as it allowed the inclusion of respondents with rich information that were able to answer the research questions. In total, we sampled 20 indigenous Doma people and eight key informants for the study. Even the literature we reviewed was purposively sampled. Only the literature focusing on the state of human rights of the Doma people, and their way of life was included in the study.

Data was collected using in-depth interviews to answer the research questions and further clarifications were obtained through face-to-face interviews with key stakeholders. These data collection tools and techniques were appropriate for the study as they allowed for researcher probes and follow-up questions.¹⁷ A total of 20 in-depth interviews were conducted with Doma people to understand how the 2013 Constitution has been guaranteeing the human rights of the Doma people in reality. The interviews were conducted in Shona to be accommodating to the language skills of the Doma. The interviews lasted not more than 40 minutes, with a few exceptions lasting up to an hour. Besides the interviews with the Doma people themselves, eight key informant interviews were also conducted to buttress the data emanating from the Doma people. These key informants included councillors from the two wards, a chief, a nurse, a police officer, a teacher, a social welfare officer and a representative from the Mbire Rural District Council. Their views were considered important for unravelling how the 2013 Constitution promotes or undermines the human rights of the Doma people. We also conducted a desktop study to complement primary data collected through the interviews. The desktop study was carried out in form of a literature review as it ensured a contextual understanding of the way of life of the Doma people. Though we worked with a guide who helped us navigate during our fieldwork, we further obtained the active consent of all research participants which was provided verbally due to illiteracy issues. There was no coercion to participate in the study and the participants had the option to refuse participation or terminate and withdraw it at any given point without any negative implications. We guaranteed anonymity of the data through

¹⁵ D. Eyisi, 'The usefulness of qualitative and quantitative approaches and methods in researching problems solving ability in science education curriculum'. 7(15) *Journal of Education and practice*, (2016) pp. 91-100.

¹⁹ *Ibid.*; M. S. Rahman, 'The advantages and disadvantages of using qualitative and quantitative approaches and methods in language "testing and assessment" research: A literature review'. 6(19) *Journal of Education and Learning*, (2017), pp. 102-112.

¹⁶ L. A. Palinkas, *et al.* 'Purposeful sampling for qualitative data collection and analysis in mixed method implementation research', 42(5) *Adm Policy Ment Health*, (2015), pp. 533-544.

¹⁷ R. Rivas, and M. Gibson-Light, 'Exploring culture through in-depth interviews: is it useful to ask people about what they think, mean and do?', 57 *Cinta Moebio*, (2016), pp. 316-329.

the use of non-identifying marks of the collected data as suggested in the literature.¹⁸ We did not share our field notes and recordings with people not involved in the study, thus guaranteeing confidentiality. Data for this study was analysed through a thematic analysis which can be understood as a process of identifying patterns and themes in qualitative data.¹⁹ After transcribing of the data, we went through the transcripts to identify emerging themes which are presented below.

6 Data Presentation and Discussion of Findings

In this last part of the research document, we present the research findings and provide an analysis which allows for cross referencing with other scholars and the HRBA. Since the field engagements were within the qualitative research framework, data is presented and analysed thematically, hence, the following themes are represented below: human rights and the Doma culture; Doma traditional/ancestral land, food security and livelihoods; the Doma language, school services and availability of health systems. Therefore, the central themes exemplify that despite the introduction of the new Constitution in 2013 the Doma remain geographically isolated and disadvantaged in terms of protection and enjoyment of their basic human rights compared to other citizens. The attainment of basic rights, such as the right to food, education, health, maintaining and retaining cultural practices, remains largely an idealistic goal among the Doma people.

6.1 Lack of Claim to Ancestral Land

Historically, the Doma are the indigenous people of the area designated as Dande Game Park under the Parks and Wildlife Authority today.²⁰ This was enacted during the colonial era and, for the Doma community, the process of passing the law disregarded the fact that this was their area of domicile. An interview with a representative of the Mbire Rural District Council, which is the local government for the area, indicated that the Doma people have been in the Dande area prior to the Mtapu invasion era but have partly lost total control of their land through the establishment of the non-hunting area in 1952 which was enforced under the above act. As an indigenous minority group, the Doma do not have a claim to indigenous land since that right is presently reserved for the Government of Zimbabwe.. As such, they are restricted to the fringes of the game park which gives them limited opportunities to hunt. Under the Parks and Wildlife Act, anyone who engages in hunting without the authority of the government is considered a poacher and is liable for prosecution and may be arrested or shot on sight by armed park rangers as authorised by the Act. Respondent 1 said:

Yes the Doma's way of life is centred on hunting and gathering such that we do hide and seek with them in the forest such that at times the discretion lies with the ranger to shoot or not. We know this is their way of life but it contradicts the wildlife conservation approach held by governments worldwide.²¹

¹⁸ A. Surmiak, 'Confidentiality in qualitative research involving vulnerable participants: Researcher's perspectives forum', 19(3) *Qualitative social research*, (2018), pp. 1-26.

¹⁹ M. Maguire and B. Delahunt, 'Doing a thematic analysis: A practical step by step guide for learning and teaching scholars', 3 *All Ireland Journal of Teaching in Higher Education*, (2017), pp. 3351-33514.

²⁰ The Parks and Wildlife Act [Chapter 20:14].

²¹ Interview with the Parks Ranger, June 2022.

The anti-poaching activities, despite the efforts to involve the Doma in wildlife conservation under the Campfire programme, remains a hindrance to the expression of the Doma culture. Respondent 2:

Hunting and gathering is a way of life of the Doma. Whereas the rest of us go to the shops to buy groceries and other life necessities, the Doma get into the forest to acquire their basics, thus for the Doma the forest is a 'supermarket', a pharmacy and a place to worship for them.²²

While section 66 of the Constitution states that every Zimbabwean citizen has the right to move freely within Zimbabwe and reside in any part of the country, this fundamental human right is disregarded for the Doma due to the requirements of the Parks and Wildlife Act. The understanding and assumption derived from the constitutional provision indicates that the Doma people's rights should be given special protection by the provision of special privileges. The case of the Doma people ought to be understood in line with provisions of the International Covenant on Civil and Political Rights and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Those are the blueprints for the UN systems concerning the standards that should be followed by all member states on handling minorities. Said standards provide a guideline for crafting appropriate laws and mechanisms to protect minorities. Thus, the argument presented in this section is that the Doma, as a minority group whose livelihoods are dependent on hunting and gathering, deserve special mechanisms that cater to their culture and way of life. Having access to their ancestral land is also in line with Article 4 (1) of the United Nations Minorities Declaration which says:

States shall take measures to create favorable conditions to enable persons belong to minorities to express their characteristics to develop their culture, language, religion, tradition and customs.²³

It is, therefore, up to the State to establish mechanisms to promote the Doma's way of life on the basis of special arrangements. As previously argued, Doma people's life in the forest is anchored on hunting and gathering. In the Chapoto area, they live on the fringes of the forest on the western side of the Mwazamutanda River while the main Shona groups, the KorekoreShona and the Chikunda live a village lifestyle on the eastern side of the river. We were told, by research participants and a key informant from the police, that the Doma are sometimes arrested for poaching especially when their hunting goes beyond hunting for meat:

It is now a criminal offence to hunt in those mountains. Our ancestors used to hunt in those mountains and surrounding areas without being harassed by anyone. We believe that those mountains are part of us and they are being taken away from us. Hunting and gathering is 'us'. This is what we know and has historically practiced. Our hunting areas have all been made parks and they are out of bounds from us".²⁴

At international level, the Aborigines managed to get legal representation and took the Government of Australia to court and won recognition and went on to create a political party for the purpose of representing their interests in parliament.²⁵ The indigenous Amazonians also contested the depletion of the forest through the Brazilian judiciary system from the stand point of international and national law.²⁶ In the African region, the Ogiek people of Kenya who were

²² Interview with the Ward Councilor, June 2022.

²³ United Nations Declaration.

²⁴ Interview with a Doma community leader, June 2022.

²⁵ H. Gobbett, 'Indigenous parliamentarians, federal and state: A quick guide'. Research paper series 2017-18, *Parliament of Australia*, 2017, <parlinfo.aph.gov.au/parlInfo/download/library/prspub/3923594/upload_binary/3923594.pdf;fileType=application/pdf> (accessed 16 January 2023).

²⁶ B. R. O'Donnell, 'Indigenous tribes in the Brazilian Amazon: Finding a balance between sustainability and economic development', University Honors Program Theses, 361 (Georgia Southern University, 2018). ³¹ D.

displaced from their ancestral land during the colonial era deployed international human rights law to fight for their rights to ancestral land.³¹ They had lived in the Mau Forest in the Ri valley as forest dwellers for time immemorial but were subjected to forced evictions. Deploying both the national law and the African Charter on Human and Peoples Rights, they contested their eviction and the African Court on Human and People's Rights (ACHPR) allowed for the return of the Ogiek to the Mau Forest in a 2017 ruling.²⁷ It is the research's primary question whether the Doma people in the Zambezi valley would be able to gather themselves and take the Government of Zimbabwe to court or be assisted by an individual outside their group or a civic organisation.

Due to these legal restrictions to accessing their traditional hunting and gathering lands in the Dande Game Park, some advocate for the integration into villages and the attempt to adjust to the mainstream village lifestyle has evolved into a struggle for survival. As opposed to a hunting and gathering lifestyle, integrated village life requires people to join the monetary lifestyle in which services are purchased from the market. This has led many of the relocated Doma to resort to offering their labour in other people's fields and in other manual labour jobs. Cases of exploitation of cheap labour were reported where, for instance, people were working a full day shift weeding in the field for a bunch of bananas. The mainstream communities that hire the Doma people for menial jobs accuse them of not being skilled in those jobs as justification for exploitation. The lack of skills is due to the fact that the original Doma culture has less crop cultivation and animal husbandry since their villages were located on the fringes of the forest that are easily reachable by wild animals. Based on the data above, we are of the view that the food insecurity rampant amongst the Doma people is because of disturbances of their livelihood. In concurrence²⁸pp 5 submitted that "a recent government action designating the area as a game reserve have left the Doma vulnerable as food has become scarce." Currently, they are being forced to adopt agriculture which is not their livelihood speciality as established by Kanengoni ²⁹and emphasized by the United Nations which argues they are³⁰ restricted to fishing on a small stretch of the Zambezi River. On many occasions, they have gotten into trouble and been accused of poaching by the Zimbabwe Parks and Wildlife Management Authority. Population pressure from mainstream villagers was also found to be pushing the Doma away from the small traditional land that they possessed. Thus, the question whether the Doma are protected by the Declaration of the Rights in the Constitution of Zimbabwe remains unanswered.

6.2 The Right to Maintain a Culture of Their Own

The extensive field engagements revealed a key aspect of the Doma people as represented by how outsiders view them. A common view amongst the local Shona Korekore and Chikunda people in Mbire is that the Doma people are backward, ignorant and uncivilised. This revelation was not a surprise as our field visit exposed us to the activities of many churches and non-profit organisations meant to ensure the enlightenment of the Doma people. Our findings suggest that

A. Ochien'g., 'The rights to land of indigenous people in Kenya: A case study of the Ogiek community and the conflict of articles portrayed in the constitution of Kenya', Undergraduate Thesis. (Strathmore University, Law School, 2017).

²⁷ M. Parvathi, 'The uncomfortable balance between a minority and a people: The global/local disconnect', 24(1) *International Journal on minority group rights*. (2017), pp.254-272.

²⁸ T. Kanengoni, 'Doma Community Faces Challenges as Nature Reserve Designation Restricts Hunting', *Global Press Journal*, (2017).

²⁹ *Ibid*.

³⁰ United Nations, *supra* note 8.

churches are geared to 'redeem' the Doma people from their ignorance and ensure that they hear the word of God and bring 'light' to them. This is against the background of the Doma people being viewed as 'trapped in the life of backwardness'.³¹ During our fieldwork, we were informed about various churches coming to the Doma communities in an attempt to spread the word of God. These conversion attempts aim to assimilate the Doma into Christianity which is corroborated by one key informant who said:

The people [Doma] believes in the worship of ancestors. The dead are key in the religious structure of the Doma people. However, with the flooding of religious group who come to materially assist the people and spread the word of the God, there is encouragement to abandoned this and believe in Jesus.³²

The Doma people equally live semi-nomadic but build semi-permanent huts on the fringes of Dande Gave Reserve along the banks of Mwazamutanda River near Kanyemba centre as well as in Masoka and Angwa Bridge. A life of foraging attracts stereotypical views from other nonDoma people, including the media which circulates negative misconceptions in newspaper articles. A review of documents and newspaper journals revealed that the Doma are sometimes presented as 'forest dwellers' 'mysterious people of the Zambezi valley' 'people of no toes'³³. Based on these misrepresentations of the Doma way of life, they have been regarded as second class people and are persistently excluded from central planning for service provision and are less recognised as a stand-alone cultural society. This and many other forms of discrimination were noted in the Doma world despite the constitutional provisions. For instance, section 6 only recognises 16 official languages excluding Doma's native tongue. Furthermore, section 16 states that:

(1) The State and all institutions and agencies of government at every level must promote and preserve cultural values and practices which enhance their dignity, well-being and equality of Zimbabweans".³⁴

Our field-based evidence pointed to the lack of mechanisms established by the government for the preservation and promotion of the Doma culture. Section 63 provides that every citizen has the right to not only speak but maintain and promote their language and culture. By not officially recognising the Doma language, the State failed to fulfil its obligation of promoting and protecting its citizens' languages and cultures. A human rights-based approach, both at a local and international level according to Broberg and Sano³⁵, puts a lot of emphasis on the obligation of the State, as a key duty bearer, to provide a conducive environment for minorities and the ordinary citizens to ensure the enjoyment of their cultural rights. While the Doma people are not forced into adopting and adapting to other cultural practices, there is an indirect cohesion described by Bellamy³⁶ as cultural hegemony which forces them into submission or withdrawing into the forest and live a life far away from other people's influences. We argue and share Gramsci view³⁷ that the cultural hegemonic traps are a violation of the Doma's human rights which are not only enshrined in the Constitution of Zimbabwe but other regional and

³¹ The NewsDay, 'Relief for the Doma people', *The NewsDay Zimbabwe*, 2014. <newsday.co.zw/2014/06/21/relief-doma-people> (accessed 16 January 2023).

³² Interview with a Doma villager, June 2022.

³³ The NewsDay, *supra* note 36.

³⁴ Constitution of Zimbabwe, *supra* note 7.

³⁵ M. Broberg and H. Sano, 'Strengths and weakness in a human rights based approach to international development: An analysis of the rights based approach to development assistance based on practical experiences', 22(5) *The International Journal of Human Rights*, (2017), pp.664-680.

³⁶ A. Gramsci, *Pre-Prison Writings*. In R. Bellamy (ed.) (Cambridge University Press, Cambridge, 1994).

³⁷ *Ibid*.

international legal provisions converge as well.³⁸ Article 1 (1) of the International Covenant on Economic, Social and Cultural Rights states that States shall protect the existence and national or ethnic, cultural, religious and linguistic identities within their respective territories and shall encourage conditions for the promotion of that identity. While Zimbabwe is a signatory to the UNDRIP and other international treaties, field-based evidence in the Zambezi valley shows a lack of application of specific measures to protect the Doma language and culture. Hence, the Domahood is at the risk of extinction. The assumption is that the rights of minority groups ought to be protected on a practical level. Tied to this discussion, about language and cultural rights, is the right to education which is discussed in the next paragraphs.

6.3 The Doma's Right to Education and Health from a Human Rights Perspective

While we started empirical data collection under the impression that we would engage an interpreter of the Doma language, we learnt that all the Doma understood the Shona and Chikunda languages, which are spoken especially in Kanyemba, efficiently. They would, however, converse in their native language when they were by themselves. There are three primary schools which are supposed to be centres for learning including the Chapoto primary school in Kanyemba rural centre which is near the Zambezi River near the borders to Zambia and Mozambique. This school is within the community of the Korekore-Shana and Chikunda people where the dominant language used in the school is Shona. The Doma people are located at least 18 kilometres away on the western side of a big river as mentioned earlier. During the rainy season, the river cannot be crossed by children. Thus, the distance and geographical barriers, namely the river, determine whether Doma children may go to school or not. Doma children also frequently face challenges in schools, for instance with their school uniforms, due to the prevalence of high poverty levels. This is compounded by the language dilemma considering that the school curriculum does not include their unrecognised language. The same applies to Doma people in the Masoka area on the general southeaster side of the Dande Game Park. Again, there exists a river barrier between the Doma villages and the school. The Angwa River is a permanent obstacle which makes it dangerous for school-aged children. The curriculum is another crucial factor due to the disconnect to the Doma life as it fails, for instance, to take the lack of affordability of school uniforms and tuition fees into account. These factors contribute to the Doma children's high drop-out rates in the school system. Similar circumstances were noted at the Angwa primary school on the northeast side of the forest. Few children attending up to grade seven, highest primary education level is Zimbabwe. Angwa secondary school, which is on the other side of the forest, is located too far away from the habitat of the Doma. Based on these observations, the Doma children are unable to utilise the educational facilities and their parents provide instead ethno-education and training in the forest. That is based on hunting, identifying non-poisonous tubers for consumption, poisoned arrow hunting, the tracking of animals, fire making and salt production from particular salty soils.

The field-based evidence analysed above ought to be understood in relation to the section 75 (1) of the Zimbabwean constitution according to which every citizen and permanent resident of the country has the fundamental right to basic education as well as adult education.³⁹ The same section also states that the State must take reasonable steps and measures to achieve the progressive realisation of the right to education.

³⁸ United Nations Development Programme (2017).

³⁹ Constitution of Zimbabwe, *supra* note 7.

The Doma face similar challenges in terms of health service availability. Clinics are either too far away or are not staffed with professionals. Consequently, the Doma people do not rely on modern health services but rather on their traditional and ethno-medicines systems. In the few instances when the Doma visit the poorly equipped health delivery systems, their sick relative already deteriorated to critical stages and, in most cases, dies on arrival at the clinics. Such cases resulted in negative perceptions of hospitals and clinics as places of medical and health care. The clinics are viewed as places of death and despair. Respondent 6:

What benefit does it give to our people when on those few cases visit the clinic and lose their beloved one? Thus, the clinic really work or it quickens one's death?⁴⁰

The question is what that means in terms of the Doma people's human rights as enshrined in the Constitution. The non-availability of basic services for the Doma as a minority group qualifies to be described as a discriminatory practice despite section 56 of the Constitution stating that all persons are equal before the law and must not be discriminated against. Further, sections 75 stipulates the rights of all citizens to education. Evidence in the Doma communities highlights the lack of these service especially for Doma people who are geographically located far away from the schools and clinics. The section below presents data about the state of the health delivery system for the Doma people.

6.4 Doma Ethno-Medicine versus Clinics: Access to Public Health Services in Dande

Empirical evidence from the Zambezi valley about the Doma pointed to the similarities in circumstances between the educational and health care systems. Interviews with key informants showed that medical clinics are geographically located at the same sites as educational centres, that is, in Chapoto at the Kanyemba service centre, at Masoka community centre as well as at the Angwa Bridge. It is at these centres that schools, clinics as well some grocery shops are sited. As already alluded to, these community centres are far away from the Doma people and even the few who chose to be villagers are still a considerable distance away from them. More so, the study established that physical barriers of rivers between the Doma and the medical centres contribute to the inaccessibility of these services. The other observation, made by the research team in terms of Doma people's rights to health delivery services, was the scarcity of medical supplies at the clinics as well as the unavailability of trained medical staff. In the few instances when a Doma person decides to seek out medical treatment from the clinic, he or she does not get adequate services. A case was reported, by a health worker at the Masoka clinic, in which one of the Doma members who was bitten by a snake was brought to the clinic when his condition was already deteriorating after they initially attempted to use home remedies. Upon arrival at the clinic, the staff was unable to provide any anti-venom or an ambulance for further treatment at the Guruve hospital which is more than 100 kilometres away along a dust road in extremely poor condition. When the patient passed away at the clinic, the responsibility of carrying the dead body back home was imposed on the family who did not have any means except the use of a make-shift stretcher bed with which they carried the body on their shoulders. Respondent 8 said that:

These are the case we all know here that they discourage the Doma people from relying on modern medicine and clinic services. They feel that the clinics are places for death and grief hence, they disregard them.⁴⁶

⁴⁰ Interview with the Doma village head, June 2022. ⁴⁶ Interview, Medical health worker June 2022 ⁴⁷ Constitution of Zimbabwe, *supra* note 7.

This scenario that the research team was exposed to exemplifies the real-life experiences of the Doma people despite the provisions of section 76 (1) which states that:

Every citizen and permanent resident of Zimbabwe has the right to have access to basic health care including reproductive health care services... and that the state must take reasonable legislative and measures to achieve the goal [...].⁴⁷

The state of the Doma people's human rights seemed to be failing to meet the acceptable standard, both at a national and international level. When a marginalised community fails to benefit from the services provided by the State, it means that, there is a need for a revision of the way the services are provided to establish strategies and mechanisms that enable all citizens in a constituency to access said services.

6.5 Upholding the Principle of Non-discrimination

Through the human-rights-based lens, the study also highlights that the Doma people experience varying levels of discrimination both directly and indirectly. This is, for instance, reflected in the way they are viewed by their neighbours but also in the way they are treated on the basis of their illiteracy and living in a different civilisation. The study established that the non-Doma communities around the Zambezi valley regard them as backward, barbaric and uncivilised tree or forest dwellers who must be integrated in the mainstream lifestyle. The same perceptions are also held by many in the private corporates, the hunting and safari companies, as well as in non-governmental organisations that operate in the same area. This is exacerbated the way the media portrays them in both print and digital media. These institutions contribute to the construction of a stereotypical view and perspective towards the Doma people, which is also reflective of the current governmental approach towards them which includes institutionalised forms of discrimination. The Constitution of Zimbabwe clearly states that in section 56 that no persons shall be subjected under discriminatory behaviour while the International Covenant on Civil and Political Rights article 26 states that all persons are to be equal before the law and should not be discriminated on the basis of language, social origin, class, race or ethnicity.⁴¹ Thus, attempts at integrating the Doma people in mainstream village lifestyle may interfere with Article 1 of the same international law which says that all people have the right to self-determination and are free to determine their political status and pursue freely their economic and cultural development.⁴²

7 Human Rights Challenges Amongst Minorities

Our field-based evidence concurs with the argument that the unclear definition of who qualifies as a minority remains a central issue in the human rights discourse.⁴³ The decision to not establish a concise definition may be ignored or delayed for political reasons. The case of the Doma language being excluded from the curriculum fits that pattern, hence, it is uncertain whether the Doma language will be recognised in the near future. Scholars such as Papoutsi⁴⁴ and Parvathi⁴⁵ similarly argue that state expenditures towards minorities become political issues when job security of elected politicians in their respective offices largely depends on prioritising the interests of the majority. Within this context, the study argues that

⁴¹ International Covenant on Civil and Political Rights.

⁴² International Covenant on Civil and Political Rights.

⁴³ E. Papoutsi, 'Minorities under international law: How protected they are?' 2(1) *Journal of social welfare and human rights*. (2014), pp.305-345.

⁴⁴ Parvathi, *supra* note 32.

⁴⁵ Papoutsi, *supra* note 50.

there appears to be some lack of international moral authority and of capacity to be present in individual parts of the nation to supervise the implementation of the best practices. International rules may not be self-executing especially with boundaries of states. More so, not all UN members states are signatories to treaties and conventions, hence, they do not have obligations to adhere to the international human rights standards as provided in the statutes since “[...] it is up to the State itself opinion and interest to decide about minority’s future [...]”.⁴⁶ Thus, Lennox⁴⁷ argues that international bodies either do not have the capacity to police nation states or and deliberately leave the responsibility with said states. In line with the above argument is the observation that of lack of knowledge of their basic rights is common among the Doma people. They have very limited knowledge about their rights which places them in a particularly vulnerable position since they are dependent on donors. More so, civic society organisations that operate in the Doma communities were found to be only interested in the provision of humanitarian food aid and seemed to not have any mandate towards human rights. The other complicating factor concerning the human rights of the Doma is also linked to what Lennox⁵⁵ regards as a western bias in two fronts. The first bias originates from international law being too focused on individualistic rights while the Doma people ought to be approached as a group or community with collective rights. Secondly, international human rights law tends to consider minorities according to their western definitions, meaning that minority groups generally consist of a majority of migrants. Thus, there is a separation of minority groups and indigenous groups. The Doma are, however, both indigenous and a minority and their human rights should be considered combined.

8 Conclusion

The study has reflected on the human rights of the Doma people of the Zambezi valley, who are an indigenous minority group, premised on the fact that since 2013, the new Constitution provides for the protection of the rights of minorities. The research, through an in-depth literature review and documentary inquiry, provides basic information on the Doma people in context to the constitutional protection under relevant sections. We further deployed a qualitative research framework to generate and collect field-based empirical evidence guided by the human rights based approach to establish the following sub-themes: Doma people’s rights to language and culture, rights to ancestral land, a form of civilisation and nondiscriminatory lifestyle, rights to education, health and equal access to services. While the study could not provide an analysis of all areas of the Doma life, it brought to the fore critical aspects of their life from the human rights perspective which may encourage further research on the topic. This is particularly crucial since the human-rights-based approach creates a social science-law nexus which risks being marginalised by mainstream research.

⁴⁶ *Ibid.*

⁴⁷ C. Lennox, ‘Human Rights, Minority Rights, Non-Discrimination and Pluralism: A Mapping Study of Intersections for Practitioners’, *Global Center for Pluralism*, (2018). ⁵⁵ Lennox, *supra* note 54.